

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PARISE KING,

Plaintiff,

v.

Case No. 2:18-cv-12529

District Judge Sean F. Cox

Magistrate Judge Anthony P. Patti

WORLD KITCHEN, LLC,
n/k/a CORELLE BRANDS, LLC,

Defendant.

**ORDER DEEMING WITHDRAWN IN PART, GRANTING IN PART and
DENYING IN PART PLAINTIFF’S MOTION TO COMPEL INITIAL
DISCLOSURES AND FULL AND COMPLETE RESPONSES TO
PLAINTIFF’S FIRST INTERROGATORIES AND REQUEST FOR
PRODUCTION (DE 6)**

Plaintiff originally filed this case in Wayne County Circuit Court, and Defendant World Kitchen, LLC, n/k/a Corelle Brands, LLC, removed it to this Court on August 14, 2018. As set forth in her January 17, 2019 amended complaint, Plaintiff alleges that “[o]n or about November 23, 2016, a Pyrex glass dish shattered while being used by Plaintiff, causing shards of glass to separate from the dish; one shard fell towards the floor, landing on and in Plaintiff’s foot.” (DE 16 ¶ 16.) The causes of action are based on negligence and implied warranty. (DE 16 ¶¶ 20-29.)

Discovery in this case is due by July 1, 2019. (DE 13.) Currently before the Court is Plaintiff's December 13, 2018 motion to compel initial disclosures and full and complete responses to Plaintiff's first interrogatories and request for production. (DE 6.) Defendant has filed a response (DE 11), Plaintiff has filed a reply (DE 17), and the parties have filed a joint list of resolved and unresolved issues (DE 18).

Judge Cox referred this motion to me for hearing and determination, and a hearing was held on February 7, 2019, at which attorneys James H. Koning and James E. DeLine appeared. Following oral argument, the Court issued its ruling from the bench.

For the reasons stated on the record, all of which are incorporated herein by reference, Plaintiff's motion to compel (DE 6), as framed by the joint statement of resolved and unresolved issues (DE 18), is:

- (a) **DEEMED WITHDRAWN** as to Resolved Issue Nos. 1-5.
- (b) **GRANTED IN PART** and **DENIED IN PART** as to Unresolved Issue No. 1. Interrogatory No. 5, as originally phrased, was overly broad and not relevant, and the Court has tailored it to meet the proper scope of discovery. Fed. R. Civ. P. 26(b)(1). In addition, Defendant's burdensomeness objection as to timeframe is overruled. Accordingly, no later than **Thursday, February 28, 2019**, and in compliance with Fed. R. Civ. P. 33(b), Defendant shall answer the following interrogatory for the time period back to 2009: "State the names and addresses, or other identifying information, of all individuals who were injured by any thermal stress fracture of any Pyrex bake ware which occurred after the composition of

the bake ware began using a soda lime silicate composition of the glass.”

- (c) **DENIED** as to Unresolved Issue No. 2. Accordingly, no later than **Monday, February 11, 2019**, the parties are to submit as a proposed order via CM/ECF utilities a clean copy of the discovery confidentiality order and related Exhibit A (*see* DE 11-2), after which the Court will adopt and enter it.

Finally, beyond the motion before the Court, the parties agreed that the deposition of David Earl would take place in Corning, NY on March 25, 2019 and the depositions of M. Grachen and Ms. Levindoski would take place in Charleroi, PA on March 26, 2019.

IT IS SO ORDERED.

Dated: February 7, 2019

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on February 7, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti